



Federal Deposit Insurance Corporation
3501 Fairfax Drive, Arlington, VA 22226-3500

EXHIBIT 12

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Legal Division

August 28, 2019

By Email to aal4@aol.com

Arthur Lemann, Esq.
1100 Poydras Street
Suite 3250
New Orleans, Louisiana 70163

Re: *FOIA Appeal No. 19-0012-A*
Original Request: FOIA Log No. 19-0212
Date of Original Request: May 28, 2019
FOIA/Privacy Act Group Response: June 17, 2019

Dear Mr. Lemann:

This responds to your letter (also signed by G. Harrison Scott) dated August 2, 2019,¹ which states that it is “an appeal by Bank of Louisiana from a denial to furnish documents and documentation incidental to [an FDIC] Board Meeting on July 19, 2018.”

The content of the letter appears to relate to a Freedom of Information Act (FOIA)² request that you previously filed with the Federal Deposit Insurance Corporation (FDIC). That FOIA request, FOIA Log No. 19-0212, likewise referred to a July 19, 2018 FDIC Board of Directors meeting.³ Accordingly, we are construing your letter to be an administrative appeal of the FDIC’s response to FOIA Log No. 19-0212.

On May 28, 2019, you electronically submitted the following FOIA request to the FDIC: “Please provide a copy of the minutes of the July 19, 2018 FDIC Board of Directors meeting.” Staff of the FDIC’s FOIA/Privacy Act Group (FOIA Group) responded to that request on June 17, 2019. That response stated:

Following a records search, 21 pages of responsive records were located.

¹ The letter is addressed to FDIC Chairman Jelena McWilliams, with the following subject:

Petition for an Order Directing the Executive Secretary to Provide All Documents and Documentation
Incidental to the July 19, 2018 Board Meeting - FDIC 12-489b and FDIC 12-479k

² 5 U.S.C. § 552.

³ The August 2 letter does not specifically identify your May 28, 2019 FOIA request by FOIA Log number; however, it does state: “On May 21, 2019, Mr. Lemann expanded his Docket Sheets request to include the minutes of the July 19, 2018 meeting” Aug 2 ltr. at 3. We presume that the May 21 date was misstated in the letter, and should have been May 28.

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Responsive records are being released to you with redactions under FOIA Exemptions 4, 5, 6, 7(A), 7(C) and 8, 5 U.S.C. §552 (b)(4), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C) and (b)(8).

The records provided to you consisted of a "Memorandum of Actions of the Board of Directors of the Federal Deposit Insurance Corporation" dated July 19, 2018. Such a memorandum is prepared when the FDIC Board of Directors takes action through the notational voting process, in which FDIC Board Members separately submit their votes rather than voting in a regular meeting. Accordingly, there are no meeting minutes; the memorandum serves as the official written summary of such FDIC Board decisions.

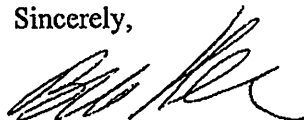
Your August 2, 2019 appeal letter asks that the FDIC "furnish copies of all documents and documentation incidental to the July 19, 2018 meeting [of the FDIC Board of Directors] and more particularly to [the] Memorandum of Actions."

We have reviewed your initial request and the response of the FOIA Group. While no meeting minutes were available, the FOIA Group provided you with the nearest equivalent records under the circumstances. The initial request asked for nothing else. Accordingly, we find that the FOIA Group's response to your initial FOIA request was correct and appropriate.

Your appeal letter raises no other basis for challenging the FOIA Group's June 17, 2019 response, the records provided to you, or the redactions taken and FOIA exemptions claimed.

For the reasons discussed above, your appeal is denied. Because your FOIA appeal has been denied, you may seek judicial review in the United States District Court under 5 U.S.C. § 552(a)(4)(B).⁴

Sincerely,



Barbara Katron
Senior Counsel

⁴ You also may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email ogis@nara.gov; telephone 202-741-5770; toll free 1-877- 684-6448; facsimile 202-741-5769.